

# **EXHIBIT SS**

**From:** Edward OBrien DC6046  
**To:** Tim Harris; James Greer  
**CC:** Edward OBrien DC6046  
**Sent:** 10/28/2009 7:48:34 PM  
**Subject:** Copy of notice  
**Attachments:** tmpcs32t.tif



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Edward O'Brien - **General Manager, Pharmacy Logistics**  
Office (301)223-5800 Fax (301)223-5803  
e1obrie@wal-mart.com

Wal-Mart Stores, Inc.  
11121 Elliott Place  
Williamsport, MD 21795  
**Save money. Live better.**

U.S. DEPARTMENT OF JUSTICE  
DRUG ENFORCEMENT ADMINISTRATIONNOTICE OF INSPECTION  
OF CONTROLLED PREMISES

DEA USE ONLY
FILE NUMBER

NAME OF INDIVIDUAL <b>Edward J. O'Brien</b>		TITLE <b>General Manager</b>
NAME OF CONTROLLED PREMISES Wal-Mart Pharmacy Warehouse #46		DEA REGISTRATION NO. RW0199908
NUMBER AND STREET 11121 Elliot Place		DATE 10-28-2009
CITY AND STATE Williamsport, Maryland	ZIP CODE 21795	TIME (initial inspection) <b>11:00 AM</b>

**STATEMENT OF RIGHTS**

1. You have a constitutional right not to have an administrative inspection made without an administrative inspection warrant.
2. You have the right to refuse to consent to this inspection.
3. Anything of an incriminating nature which may be found may be seized and used against you in a criminal prosecution.
4. You shall be presented with a copy of this Notice of Inspection.
5. You may withdraw your consent at any time during the course of the inspection.

**ACKNOWLEDGMENT AND CONSENT**

I, **Edward J. O'Brien** (Name), have been advised of the above Statement of Rights  
by DEA Diversion Investigator, Jeffrey Hunt (Title and Name), who

has identified himself/herself to me with his/her credentials and presented me with this Notice of Inspection containing a copy of sections 302(f) and 510(a), (b) and (c) of the Controlled Substances Act (21 U.S.C. 822(f) and 21 U.S.C. 880(a), (b) and (c), printed hereon, \* authorizing an inspection of the above-described controlled premises. I hereby acknowledge receipt of this Notice of Inspection. In addition, I hereby certify that I am the **General Manager**

(President) (Manager) (Owner)

for the premises described in this Notice of Inspection; that I have read the foregoing and understand its contents; that I have authority to act in this matter and have signed this Notice of Inspection pursuant to my authority.

I understand what my rights are concerning inspection. No threats or promises have been made to me and no pressure of any kind has been used against me. I voluntarily give consent for inspection of these controlled premises.

(Signature)

**10/28/09.**

(Date)

**WITNESSES:**

(signed)

**Jeffrey Hunt**  
**Donnell E. Smith**

(signed)

**10-28-09**

(date)

**10/28/2009.**

(date)

\* See Reverse

**\* These sections are quoted below.**

SEC. 302.(f) The Attorney General is authorized to inspect the establishment of a registrant or applicant in accordance with the rules and regulations promulgated by him.

SEC. 510.(a) As used in this section, the term "controlled premises" means -

(1) places where original or other records or documents required under this title are kept or required to be kept, and

(2) places, including factories, warehouses, or other establishments, and conveyances, where persons registered under section 303 (or exempted from registration under section 302(d)) may lawfully hold, manufacture, or distribute, dispense, administer, or otherwise dispose of controlled substances.

(b)(1) For the purpose of inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept or made under this title and otherwise facilitating the carrying out of his functions under this title, the Attorney General is authorized, in accordance with this section, to enter controlled premises and to conduct administrative inspections thereof, and of the things specified in this section, relevant to those functions.

(2) Such entries and inspections shall be carried out through officers or employees (hereinafter referred to as "inspectors") designated by the Attorney General. Any such inspector, upon stating his purpose and presenting to the owner, operator, or agent in charge of such premises (A) appropriate credentials and (B) a written notice of his inspection authority (which notice in the case of an inspection requiring, or in fact supported by, an administrative inspection warrant shall consist of such warrant), shall have the right to enter such premises and conduct such inspection at reasonable times.

(3) Except as may otherwise be indicated in an applicable inspection warrant, the inspector shall have the right -

(A) to inspect and copy records, reports, and other documents required to be kept or made under this title;

(B) to inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished drugs and other substances or materials, containers, and labeling found therein, and, except as provided in paragraph (5) of this subsection, all other things therein (including records, files, papers, processes, controls, and facilities) appropriate for verification of the records, reports, and documents referred to in clause (A) or otherwise bearing on the provisions of this title; and

(C) to inventory any stock of any controlled substance therein and obtain samples of any such substance. (4) Except when the owner, operator, or agent in charge of the controlled

(4) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to -

(A) financial data;

(B) sales data other than shipment data; or

(C) pricing data.

(c) A warrant under this section shall not be required for the inspection of books and records pursuant to an administrative subpoena issued in accordance with section 506, nor for entries and administrative inspections (including seizures of property) -

(1) with the consent of the owner, operator, or agent in charge of the controlled premises;

(2) in situations presenting imminent danger to health or safety;

(3) in situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(4) in any other exceptional or emergency circumstances where time or opportunity to apply for a warrant is lacking; or

(5) in any other situations where a warrant is not constitutionally required.